

REMARKS

Currently, claims 21, 27, 28, and 31-60 are pending. Applicants have amended claim 21 to a correct typographical error. No new matter has been added.

I. Objections to Claims Addressed

The Action objects to the claims for containing informalities. Applicants have amended claim 21 for typographical errors and respectfully request that this objection be withdrawn.

II. Section 112 Rejection Overcome

Claims 21, 27, 28, and 31-60 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicants respectfully traverse this rejection.

The Action rejects claim 21 for reciting “said compound is a variant of any of the above which differs in the oxidation state of one or more of the ketide units, wherein said ketide unit is selected from the group consisting of: -CO-, -CH(OH)-, alkene CH-, and CH₂.” In order to expedite prosecution, Applicants have deleted this language from the claim and respectfully request that this rejection be withdrawn.

III. Section 102(b) Rejection Overcome

Claims 21, 27, 28, 31-36, and 45-52 have been rejected under 35 U.S.C. §102(b) as being anticipated by *J. Chem. Research 1988, 5:152-153* (Djokic). Applicants respectfully traverse this rejection.

The Action notes that Djokic teaches compound 18 shown on page 152 of the reference. Applicants have amended claim 21 to include a proviso that when R⁸ is H, R¹⁵ cannot also be H. Applicants respectfully submit that compound 18 of Djokic does not fall within the genus of amended claim 21.

The Action also asserts that compound 17 of Djokic anticipates the genus of claim 21 because the claimed sugar and the sugar of compound 17 shown on page 5 of the Action differ in the oxidation state of the CH₂ or CH(OH) units indicated by the arrows, and compounds differing in the oxidation state of CH(OH) or CH₂ are encompassed by the claims. As described above in Section II of this Amendment, the recitations “said compound is a variant of any of the above which differs in the oxidation state of one or more of the ketide units, wherein said ketide unit is selected from the group consisting of: -CO-, -CH(OH)-, alkene CH-, and CH₂” have been deleted from claim 21.

Accordingly, Applicants respectfully submit that compound 17 of Djokic does not fall within the genus of amended claim 21.

For at least the foregoing reasons, Applicants respectfully submit that claim 21 is patentable over Djokic and request that this rejection be withdrawn.

Claims 27, 28, 31-36, and 45-52 each depend from patentable independent claim 21. For at least this reason and without acquiescing in the Action's rejections of these claims, Applicants respectfully submit that these dependent claims are also patentable and request that these rejections be withdrawn. Applicants expressly reserve the right to argue the separate patentability of one or more of these dependent claims at a future date.

IV. Conclusion

All claim rejections being addressed in full, Applicants respectfully request the withdrawal of the outstanding objections and rejections and the issuance of a Notice of Allowance. Should the Examiner have any questions regarding the foregoing, Applicants respectfully request that the Examiner contact the undersigned, who can be reached at (919) 483-9024.

Respectfully submitted,

/J. MICHAEL STRICKLAND/

J. Michael Strickland
Attorney for Applicants
Reg. No. 47,115

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Customer No. 23347
GlaxoSmithKline
Global Patents
Five Moore Drive, P.O. Box 13398
Research Triangle Park, NC 27709-3398
Telephone: (919) 483-9024
Facsimile: (919) 483-7988